

REMARKS

The pending Office Action addresses claims 1-37, rejecting claims 1-24 and 26-37 and objecting to claim 25. Reconsideration and allowance is respectfully requested in view of the following remarks.

Objections to the Drawings

The Examiner objects to the drawings as failing to show “the sutures being fixedly attached to the anchors.” Applicants respectfully disagree. Claims 15 and 35 recite “opposed terminal ends of the suture being fixedly attached to one another.” FIG. 1 clearly illustrates that opposed terminal ends (12a, 12b, 14a, 14b) of the suture (12, 14) are fixedly attached by knots (12d, 14d).

Amendments to the Claims

Applicants amend claims 1 and 18 to clarify that the first and second sutures are separate, and to recite a third, separate suture. The dependent claims are amended to correspond to amended claims 1 and 18. Applicants also amend claim 7 to clarify that at least one of the suture loops “on the first, second, and third sutures” includes a slip knot. Claims 36 and 37 are amended to clarify that the first and second suture anchors are either slidably or fixedly disposed on the first and second sutures, respectively. No new subject matter is added.

Rejection Pursuant to 35 U.S.C. §112

The Examiner rejects claims 3-15, 20, 27, 36, and 37 pursuant to 35 U.S.C. §112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As explained above, claims 1, 3, 7, 36, and 37 are amended to clarify any indefiniteness, thereby obviating the basis for this rejection.

Rejection Pursuant to 35 U.S.C. §102

U.S. Publication 2004/0153074 of Bojarski, et al. (“Bojarski”)

The Examiner rejects claims 1-7, 10, 12-16, 18-20, 23, 24, 26, 27, 30, 32, 33, and 36 pursuant to 35 U.S.C. §102(e) as being anticipated by U.S. Publication 2004/0153074 of Bojarski et al. (“Bojarski”). Applicants respectfully disagree.

Independent claim 1, as amended, recites a suture anchor system that includes a first suture anchor having at least a first suture attached thereto, a second suture anchor having at least a second,

separate suture attached thereto, and a third, separate suture coupled to the first and second sutures. The first and second sutures are coupled to one another by the third suture such that a distance between the first and second suture anchors with respect to each other is selectively adjustable.

Independent claim 18 recites a method for anchoring tissue that includes inserting a first anchor member having a first suture attached thereto through tissue to be repaired and into an anchoring tissue, and inserting a second anchor member having a second suture attached thereto through the tissue to be repaired and into the anchoring tissue at a position spaced apart from the first anchor member by a selected distance. The second suture on the second anchor member is adjustably coupled to the first suture on the first anchor member by a third, separate suture. Claim 18 further includes tensioning at least one of the first, second, and third sutures to anchor the tissue to be repaired to the anchoring tissue.

Bojarski fails to teach or even suggest a suture anchor system have three separate sutures, as required by claims 1 and 18. The Examiner asserts that FIGS. 4 and 20 of Bojarski show a first suture anchor having at least a first length of suture attached thereto, a second suture anchor having at least a second length of suture attached thereto, and a third length of suture. However, as explained at paragraphs [0066] and [0123] of Bojarski, FIGS. 4 and 20 merely disclose anchors (80, 90, 1818, 1820) that are joined by a *single suture* (50, 1846). Because Bojarski only teaches *one suture thread*, Bojarski cannot anticipate claims 1 and 18.

Accordingly, independent claims 1 and 18, as well as claims 2-17 and 19-37 which depend directly or indirectly therefrom, distinguish over Bojarski and represent allowable subject matter.

U.S. Publication 2002/0019649 of Sikora, et al. ("Sikora")

The Examiner rejects claims 1-4, 6-8, 12-14, 16-24, and 26-37 pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Publication 2002/0019649 of Sikora et al. ("Sikora"). Applicants respectfully disagree.

As explained above, independent claims 1 and 18 recite a suture anchor system and method that includes first and second anchors having first and second sutures attached thereto, and a third, separate suture that is coupled to the first and second sutures. The first and second sutures are coupled to one another by the third suture such that the first and second anchors are selectively adjustable. Sikora fails to teach or even suggest a suture anchor system or method for anchoring tissue having three separate sutures. The Examiner asserts that FIGS. 13 and 14B show the claimed invention. However, as with Bojarski, FIGS. 13 and 14B merely disclose fixation members (16, 18)

that are joined by a *single suture* (10). FIGS. 13 and 14B of Sikora do not show first and second anchors having first and second sutures attached thereto – much less a third, separate suture coupled to the first and second sutures, as required by claims 1 and 18.

The Examiner also asserts that FIG. 15 discloses the claimed invention. FIG. 15 illustrates a device for securing soft tissue (262) to bone (264) that includes a suture (266) having a first end (274) that is fixed to an anchor member (270), a second free end (276), and a slip knot (268). The suture (266) passes through a separate suture loop (278), which is attached to a second anchor member (272). However, FIG. 15 only discloses two separate sutures. FIG. 15 does not show a third, separate suture that is coupled to the first and second sutures, as required by claims 1 and 18.

The Examiner further asserts that FIG. 32 discloses the claimed invention. FIG. 32 discloses a device (1650) for closing a tear in the meniscus (1050) that includes a first anchor (1012), a second anchor (1652), and two sutures (1616, 1654). As with FIG. 15, FIG. 32 only discloses two separate suture and fails to teach or even suggest a third, separate suture that is coupled to the first and second sutures, as required by claims 1 and 18.

Accordingly, independent claims 1 and 18, as well as claims 2-17 and 19-37 which depend directly or indirectly therefrom, over Sikora and represent allowable subject matter.

Conclusion

Applicants submit that all pending claims are now in condition for allowance, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

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